Case 1:03-cr-05187-OWW Document 12 Filed 12/18/07 Page 1 of 2 UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

UNITEI	D STATES OF AMERICA,) CASE NO. 1:03-CR-05187 OWW
	Plaintiff,) DETENTION ORDER
	V.))
ANDRE	DEON SIMS,))
	Defendant.	
Ā	Order For Detention After conducting a detention hearing purs he above-named defendant detained purs	suant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders suant to 18 U.S.C. § 3142(e) and (I).
7	assure the appearance of the defer	on because it finds: nce that no condition or combination of conditions will reasonably ndant as required. that no condition or combination of conditions will reasonably assure
ī t	he Pretrial Services Report, and includes 1) Nature and circumstances of the offen X (a) The crime: Possession U.S.C. § 841, is a serious cr (b) The offense is a crime of (c) The offense involves a result.	with Intent to Distribute a Controlled Substance, a violation of 21 rime. of violence.
,	The weight of the evidence against (3) The history and characteristics of the (a) General Factors: The defendant appears to he appear. The defendant has no family The defendant has no steady The defendant is not a long X The defendant does not have Past conduct of the defendant The defendant has a history The defendant has a history X The defendant has a signification of the d	st the defendant is high. defendant including: ave a mental condition which may affect whether the defendant will y ties in the area. y employment. antial financial resources. time resident of the community. e any significant community ties. ant: relating to drug abuse. relating to alcohol abuse.

Ca (b)	ase 1:03-cr-05187-OWW Document 12 Filed 12/18/07 Page 2 of 2 Whether the defendant was on probation, parole, or release by a court:
	At the time of the current arrest, the defendant was on:
	Probation.
	Parole.
	Release pending trial, sentence, appeal or completion of sentence.
(c)	Other Factors:
	The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to deportation if convicted.
(4) 771	Other:
* *	nature and seriousness of the danger posed by the defendant's release are as follows:
	uttable Presumptions
	etermining that the defendant should be detained, the Court also relied on the following rebuttable
	n(s) contained in 18 U.S.C. § 3142(e), which the court finds the defendant has not rebutted:
	a. That no condition or combination of conditions will reasonably assure the appearance of the
	defendant as required and the safety of any other person and the community because the Court
	finds that the crime involves:
	(A) A crime of violence; or
	(B) An offense for which the maximum penalty is life imprisonment or death; or
	(C) A controlled substance violation which has a maximum penalty of 10 years or more
	or
	(D) A felony after the defendant had been convicted of two or more prior offenses
	described in (A) through (C) above, and the defendant has a prior conviction of one of
	the crimes mentioned in (A) through (C) above which is less than five years old and
	which was committed while the defendant was on pretrial release.
	b. That no condition or combination of conditions will reasonably assure the appearance of the
	defendant as required and the safety of the community because the Court finds that there is
	probable cause to believe:
	(A) That the defendant has committed a controlled substance violation which has a
	maximum penalty of 10 years or more.
	(B) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or
	carries a firearm during and in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment if committed by the use of a
	deadly or dangerous weapon or device).
	c. That the defendant has committed an offense after April 30, 2003, involving a minor victim
	under sections 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2),
	2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or
	2425 of Title 18.
Additional	
	suant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
	defendant be committed to the custody of the Attorney General for confinement in a corrections
	arate, to the extent practicable from persons awaiting or serving sentences or being held in custody
pending app	
	defendant be afforded reasonable opportunity for private consultation with his counsel; and
	t, on order of a court of the United States, or on request of an attorney for the Government, the person
•	the corrections facility in which the defendant is confined deliver the defendant to a United States
Marshal for	the purpose of an appearance in connection with a court proceeding.
IT IC	CO ORDERED
11 18	SO ORDERED.
-	D 1 10 2007
Dated:	December 18, 2007 /s/ Gary S. Austin

D.

UNITED STATES MAGISTRATE JUDGE